



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*United States Courthouse
300 Quarropas Street
White Plains, New York 10601*

September 23, 2013

BY EMAIL AND MAIL

Honorable Tena Campbell
United States District Judge
District of Utah
United States Courthouse
350 South Main Street
Salt Lake City, Utah 84101

**Re: United States v. Robert Lustyik, et al. (D. Utah)
12 Cr. 645 (TC)**

Dear Judge Campbell:

The Government respectfully submits this letter to update the Court regarding Robert Lustyik, a defendant in the above-referenced case and in United States v. Robert Lustyik, et al., 13 Cr. 616 (VB), pending in the Southern District of New York before Honorable Vincent L. Briccetti, United States District Judge.

Lustyik arrived in the New York area, in custody, on or about September 4, 2013. On September 17, 2013, Lustyik appeared before Judge Briccetti, along with his two co-defendants, for arraignment and a conference. At the conference, the Court scheduled the next appearance, now scheduled for October 22, 2013, at which conference the Court anticipates setting a motion schedule and conducting a hearing, pursuant to United States v. Curcio, 680 F.2d 881 (2d Cir. 1982), regarding a potential conflict of interest of Lustyik's counsel.

In addition, at the conference, Lustyik's counsel requested that Lustyik remain housed in the New York area. Lustyik's counsel described that there is a court appearance in Utah, before your Honor, scheduled for October 15, 2013, but that Lustyik wishes to waive his appearance at the conference so that he may remain housed in the New York area. The Government agreed that, in the event Lustyik is not needed in Utah, it would not immediately satisfy the writ under which Lustyik was brought to New York, with the result that Lustyik will remain housed in New York at least until October 22, 2013, when he is next scheduled to appear in Court in New York.

In light of the foregoing, the Government does not intend to take steps to have Lustyik immediately returned to Utah, and anticipates that Lustyik will remain housed in the

New York area at least until October 22, 2013. If this course is dissatisfactory to your Honor or interferes with the case pending in Utah in any way, the Government will take steps to have Lustyik returned to Utah sooner, should the Court request.

Respectfully submitted,

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